

Appl. No. 10/737,307
Atty. Docket No. 9455
Amdt. dated August 31, 2006
Reply to Office Action of May 31, 2006
Customer No. 27752

REMARKS

Claims 1, 4, 6-12 and 14-30 are pending in the present application. No additional claims fee is believed to be due.

Claims 1, 12, 14, 15, 19, 21 and 22 are amended.

Claims 13 and 26-30 are cancelled.

I. Rejection Under 35 USC § 102(e) Over Takai et al. US 6,479,130

Claims 26 and 27 are rejected under 35 USC §102(e) as being anticipated by Takai et al., US 6,479,130, hereinafter Takai.

Claims 26 and 27 have been cancelled. Accordingly, Applicants submit the 35 USC §102(e) rejection is moot.

II. Rejection Under 35 USC §§ 102(e)/103(a) Over Takai ('130)

Claims 1, 4, 6, 10-12, and 15 are rejected under 35 USC §102(e) as anticipated by, or, in the alternative 35 USC §103(a) as being obvious over Takai ('130).

Applicants respectfully submit that the rejected claims as amended are allowable over Takai '130. Amended independent Claims 1 and 12, for example, include the structural distinction that the discrete tufts of the relatively hydrophilic nonwoven web comprise fibers that are looped fibers such that the looped fibers begin and end at the relatively hydrophilic nonwoven web. Takai '130 fails to disclose such structure in any of the disclosure identified in the Office Action as disclosing the claimed tufts. (FIG. 3 of Takai, referenced in the Office Action, does not show looped fibers, but shows a "curved bridged zone 10 of film, as described, e.g., at column 3, lines 47-58). Further, there is no suggestion as to the desirability to have or the ability to make any looped, tufted fibers in Takai '130. As such, it cannot be said that there is any motivation to modify Takai '130 to achieve the claimed invention.

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Accordingly, Applicants submit that Claims 1 and 12, as well as their respective independent claims, are novel and nonobvious over Takai, and the rejection should be withdrawn.

III. Rejection Under 35 USC § 103(a) Over Takai ('130) in view of Richards et al. US 5,607,414

Claims 7, 8, 14, 16, and 17 are rejected under 35 USC § 103(a) as being unpatentable over Takai ('130) in view of Richards et al., US 5,607,414, hereinafter Richards.

For the reasons provided above, with respect to Claims 1 and 12, Applicants respectfully submit that Takai '130 fails to disclose the structural distinction that the discrete tufts of the relatively hydrophilic nonwoven web comprise fibers that are looped fibers such that the looped fibers begin and end at the relatively hydrophilic nonwoven web.

Richards '414 fails to remedy the deficiency of Takai '130. Specifically, Richards discloses nothing about tufts of any kind, and, therefore, it is not possible that Richards '414 could supply the missing claim limitations. Likewise, it is not possible that there is or can be any nexus, or any suggestion in the references themselves to be combined or modified in such a manner so as to achieve the claimed invention of Claims 1 and 12, from which Claims 7, 8, 14, 16, and 17 depend.

Accordingly, Applicants respectfully submit that the Office Action has failed to make out a *prima facie* case of obviousness for Claims 7, 8, 14, 16, and 17 and the rejection should be withdrawn.

IV. Rejection Under 35 USC § 103(a) Over Takai ('130) in view of Thompson et al. (5,382,245)

Claim 9 has been rejected under 35 USC §103(a) as being unpatentable over Takai ('130) in view of Thompson et al., 5,382,245, hereinafter "Thompson".

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For the reasons provided above, with respect to Claims 1, from which Claim 9 depends, Applicants respectfully submit that Takai '130 fails to disclose the structural distinction that the discrete tufts of the relatively hydrophilic nonwoven web comprise fibers that are looped fibers such that the looped fibers begin and end at the relatively hydrophilic nonwoven web.

Thompson '245 fails to remedy the deficiency of Takai '130. Specifically, Thompson '245 discloses nothing about tufts of any kind, and, therefore, it is not possible that Thompson '245 could supply the missing claim limitations. Likewise, it is not possible that there is or can be any nexus, or any suggestion in the references themselves to be combined or modified in such a manner so as to achieve the claimed invention of Claim 1 from which Claim 9 depends.

Accordingly, Applicants respectfully submit that the Office Action has failed to make out a *prima facie* case of obviousness for Claim 9, and the rejection should be withdrawn.

V. Rejection Under 35 USC § 103(a) Over Takai ('130) in view of Richards et al. (5,607,414) and further in view of Thompson et al. (5,382,245)

Claims 18-25 have been rejected under 35 USC §103(a) as being unpatentable over Takai ('130) in view of Richard et al. 5,607,414, and further in view of Thompson et al., 5,382,245, hereinafter "Thompson".

With respect to Claim 18, which depends from Claim 12 (independent) via Claim 14, Applicants respectfully submit that Takai '130 fails to disclose the structural distinction that the discrete tufts of the relatively hydrophilic nonwoven web comprise fibers that are looped fibers such that the looped fibers begin and end at the relatively hydrophilic nonwoven web.

The addition of Richards and Thompson fails to remedy the deficiency of Takai '130. Specifically, neither Richards nor Thompson discloses nothing about tufts of any kind, and, therefore, it is not possible that either reference could supply the missing claim limitations. Likewise, it is not possible that there is or can be any nexus, or any suggestion in the references themselves to be combined or modified in such a manner so as to achieve the claimed invention of Claim 12 from which Claim 18 depends.

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Accordingly, Applicants respectfully submit that the Office Action has failed to make out a *prima facie* case of obviousness for Claim 18, and the rejection should be withdrawn.

With respect to independent Claim 19, Applicants respectfully submit that Takai '130 fails to disclose the structural distinction that the discrete tufts of the relatively hydrophilic nonwoven web comprise fibers that are looped fibers such that the looped fibers begin and end at the relatively hydrophilic nonwoven web.

Further, the Office Action statement that "It would have been obvious ... to card the fibrous topsheet layer of Takai et al. in order to enable better use of the capillary fibers ..." is without any basis in fact. Such a statement does not make sense. One does not "card a topsheet"; one makes a topsheet out of carded fibers, which is a process not identified in the Office Action as being disclosed in the cited references.

The addition of Richards and Thompson fails to remedy the deficiency of Takai '130. Specifically, neither Richards nor Thompson discloses anything about tufts of any kind, and, therefore, it is not possible that either reference could supply the missing claim limitations. Likewise, it is not possible that there is or can be any nexus, or any suggestion in the references themselves to be combined or modified in such a manner so as to achieve the claimed invention of Claim 19.

Accordingly, Applicants respectfully submit that the Office Action has failed to make out a *prima facie* case of obviousness for Claim 19, and the rejection of Claim 19 and its dependent Claims 20-25 should be withdrawn.

VI. Rejection Under 35 USC § 103(a) Over Takai ('130) in view of Melius US 6,323,388

Claims 19, 20, and 22-24 have been rejected under 35 USC §103(a) as being unpatentable over Takai ('130) in view of Melius et al., 6,323,388.

Applicants respectfully submit that Takai '130 fails to disclose the structural distinction that the discrete tufts of the relatively hydrophilic nonwoven web comprise fibers that are looped fibers such that the looped fibers begin and end at the relatively hydrophilic nonwoven web, as claimed in Claim 19.

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The addition of Melius fails to remedy the deficiency of Takai '130. Specifically, Melius discloses nothing about tufts as claimed, and, therefore, it is not possible that Melius could supply the missing claim limitations. Likewise, it is not possible that there is or can be any nexus, or any suggestion in the references themselves to be combined or modified in such a manner so as to achieve the claimed invention of Claim 19.

Accordingly, Applicants respectfully submit that the Office Action has failed to make out a *prima facie* case of obviousness for Claim 19, and the rejection of Claim 19 and its dependent Claims 20 and 22-24 should be withdrawn.

VII. Rejection Under 35 USC § 103(a) Over Takai ('130) in view of Melius US 6,323,388 and further in view of Richards et al. ('414)

Claim 21 has been rejected under 35 USC §103(a) as being unpatentable over Takai ('130) in view of Melius et al., 6,323,388, hereinafter "Melius", and further in view of Richards et al. ('414).

With respect to independent Claim 19, from which Claim 21 depends, Applicants respectfully submit that Takai '130 fails to disclose the structural distinction that the discrete tufts of the relatively hydrophilic nonwoven web comprise fibers that are looped fibers such that the looped fibers begin and end at the relatively hydrophilic nonwoven web.

The addition of Melius and Richards fails to remedy the deficiency of Takai '130. Specifically, neither Melius nor Richards discloses tufts of any kind, and, therefore, it is not possible that either reference could supply the missing claim limitations. Likewise, it is not possible that there is or can be any nexus, or any suggestion in the references themselves to be combined or modified in such a manner so as to achieve the claimed invention of Claim 19.

Accordingly, Applicants respectfully submit that the Office Action has failed to make out a *prima facie* case of obviousness for Claim 19, and the rejection of its dependent Claim 21 should be withdrawn.

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VII. Rejection Under 35 USC § 103(a) Over Takai in view of Melius, and further in view of Richards ('414) and further in view of Thompson et al. ('245)

Claim 25 is rejected under 35 USC § 103(a) as being unpatentable over Takai ('130) in view of Melius ('388) and further in view of Richards et al. ('414) and further in view of Thompson et al. ('245).

Claim 21 has been rejected under 35 USC §103(a) as being unpatentable over Takai ('130) in view of Melius et al., 6,323,388, hereinafter "Melius", and further in view of Richards et al. ('414).

With respect to independent Claim 19, from which Claim 25 depends via Claim 21, Applicants respectfully submit that Takai '130 fails to disclose the structural distinction that the discrete tufts of the relatively hydrophilic nonwoven web comprise fibers that are looped fibers such that the looped fibers begin and end at the relatively hydrophilic nonwoven web.

The addition of Melius and Richards fails to remedy the deficiency of Takai '130. Specifically, neither Melius nor Richards discloses tufts of any kind, and, therefore, it is not possible that either reference could supply the missing claim limitations. Likewise, it is not possible that there is or can be any nexus, or any suggestion in the references themselves to be combined or modified in such a manner so as to achieve the claimed invention of Claim 19.

Accordingly, Applicants respectfully submit that the Office Action has failed to make out a *prima facie* case of obviousness for Claim 19, and the rejection of its dependent Claim 25 should be withdrawn.

VIII. Rejection Under 35 USC § 103(a) Over Takai ('130) in view of Everhart et al. (6,626,961)

Claims 28-30 have been rejected under 35 USC § 103(a) as being unpatentable over Takai ('130) in view of Everhart et al. ('961).

Claims 28-30 have been cancelled. Accordingly, Applicants submit the 35 USC §103(a) rejection of these claims is moot.

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VIII. Double Patenting

The Applicants agree to submit all necessary Terminal Disclaimers upon the indication of allowable subject matter.

Conclusion

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 4, 6-12, and 14-25.

Respectfully submitted,

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By


Signature

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